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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;  
and ORACLE INTERNATIONAL  
CORPORATION, a California corporation,

Plaintiffs,

RIMINI STREET, INC. , a Nevada corporation;  
SETH RAVIN, an individual.

## Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**DEFENDANTS' MOTION FOR  
LEAVE TO FILE UNDER SEAL  
PORTIONS OF DEFENDANTS'  
MOTION FOR LEAVE TO FILE  
REPLY IN SUPPORT OF THEIR  
MOTION TO EXCLUDE EXPERT  
TESTIMONY OF ELIZABETH A.  
DEAN AND ACCOMPANYING  
(PROPOSED) REPLY BRIEF**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010 (*See* Dkt. 55, “Protective Order”), Local Rule 10-5(b) and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Defendants Rimini Street, Inc. and Seth Ravin (“Rimini”) respectfully requests that the Court grant leave to file under seal portions of the Motion for Leave to File Under Seal Portions of Defendants’ Motion for Leave to File Reply in Support of Their Motion to Exclude Expert Testimony of Elizabeth A. Dean and accompanying (proposed) Reply brief (“Motion for Leave to File Reply”). A public, redacted version of the Motion for Leave to File Reply and the (proposed) Reply were filed on July 9, 2015. Additionally, on July 9, 2015, the unredacted version of the (proposed) Reply were filed under seal.

The Protective Order provides that: “Counsel for any Designating Party may designate any Discovery Material as “Confidential Information” and as “Highly Confidential Information- Attorneys’ Eyes Only” under the terms of the Protective Order only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c). The designation by any Designating Party of any Discovery Material as “Confidential Information” or “Highly Confidential Information- Attorneys’ Eyes Only” shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation”. Protective Order at Paragraph 2.

1       The Court has “broad latitude” under Rule 26(c) “to prevent disclosure of materials for many  
 2 types of information, including, but not limited to, trade secrets or other confidential research,  
 3 development, or commercial information.” *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1211 (9th  
 4 Cir. 2002) (citations omitted).

5       Sealing portions of the (proposed) Reply is requested because it cites Exhibits which have  
 6 already been filed Under Seal in this action. These Exhibits, and the information referenced in  
 7 Rimini’s Reply, include portions of Oracle’s damages expert report of Elizabeth Dean, and  
 8 interrogatory responses, which include information marked Highly-Confidential Information—  
 9 Attorneys’ Eyes Only by Oracle. If disclosed, this information, which includes Oracle customer  
 10 revenue data and financial data, could competitively harm Oracle. The Protective Order provides  
 11 that: “Counsel for any Designating Party may designate any Discovery Material as ‘Confidential  
 12 Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ under the terms of this  
 13 Protective Order **only if such counsel in good faith believes that such Discovery Material**  
 14 **contains such information and is subject to protection under Federal Rule of Civil Procedure**  
 15 **26(c).** The designation by any Designating Party of any Discovery Material as ‘Confidential  
 16 Information’ or ‘Highly Confidential Information –Attorneys’ Eyes Only’ shall constitute a  
 17 representation that an attorney for the Designating Party reasonably believes there is a valid basis for  
 18 such designation.” Protective Order ¶ 2 (emphasis supplied).

19       Rimini has submitted all other portions of the Motion for Leave to File Reply, as well as the  
 20 (proposed) Reply, for filing in the Court’s public files, which would allow public access to the  
 21 filings except for the documents designated as Confidential or Highly Confidential due to the  
 22 descriptions of Exhibits previously filed Under Seal. Accordingly, the request to seal is narrowly  
 23 tailored.

24       For the foregoing reasons, Rimini respectfully requests that the Court grant leave to file  
 25 portions of the Motion for Leave to File Reply and the accompanying (proposed) Reply under seal.

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1 DATED: July 9, 2015

SHOOK, HARDY & BACON

2  
3 By: /s/ Robert H. Reckers  
Robert H. Reckers, Esq.

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5 *Attorneys for Defendants*  
*Rimni Street, Inc. and Seth Ravin*

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8 **CERTIFICATE OF SERVICE**

9 I hereby certify that on the 9<sup>th</sup> day of July, 2015, I electronically filed the foregoing  
10 document with the clerk of the court for the U.S. District Court, District of Nevada, using the  
11 electronic case filing system. The electronic case filing system sent a "Notice of Electronic Filing" to  
12 the attorneys of record who have consented in writing to accept this Notice as service of this  
13 document by electronic means.

14  
15 By: /s/ Robert H. Recker  
Robert H. Reckers